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October 29, 2008

Ms. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

VIA ELECTRONIC FILING

Re. STB Finance Docket No. 35141
U S Rail Corporation - Construction and Operation
Exemption - Brookhaven Rail Terminal

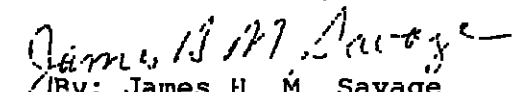
Dear Ms. Quinlan,

Petitioner U S Rail Corporation respectfully requests a 20 day extension of time to file its reply to the Motion to Compel Discovery Responses filed by the Town of Brookhaven on October 13, 2008. The current deadline for filing a response is Monday, November 3, 2008. If the Board were to grant this request, the new deadline would be Monday, November 24, 2008.

U S Rail has the consent of counsel for the Town of Brookhaven to this request.

We thank the Board for its time and consideration.

Respectfully submitted,
John D. Heffner, PLLC


By: James H. M. Savage
Of counsel

JHS/nhd
cc: Jessica Driscoll, Esq (via fax)